## TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office

February 10, 1999 LB 514

educate ourselves. There are five commissioners, and if three of us happen to be in the office and we're trying to educate ourselves with respect to a complicated issue pertaining to the area which I am talking to you about, we can't do that because we will be violating the open meetings law, and our legal counsel really can't come in and educate us with respect to the alternatives, the issues, we really can't hear from our own experts without violating the open meetings law. And I'm...and I'm, as I'm hearing this, I'm thinking, well, you know, we have a concern here about the public interest in knowing what's going The media need to be involved with important decisions that made by our Public Service Commission or any agency. But how can we make it possible for these people to work? Well, went to work and we drafted a Section 2 of the bill, which this is the committee amendment that I am getting to, which attempts confront this issue by saying that when the iss...when the Public Service Commission is dealing with regulation telecommunications and when these issues require the members to consult with their staff and their own expert consultants, the Public Service Commission can hire their own experts, when they are dealing with those folks and they have a contested...a matter before them that they need to educate themselves on, we're saying that they can have an executive staff session if they meet two of four criteria. Now, let me say that there was no...there was no objection at the public hearing on this issue. There was no objection from any one after the public hearing on issue until yesterday. And starting yesterday, we have received grave concerns from the Media of Nebraska about this provision, and I recognize those concerns. And I have been on this floor of the Legislature before arguing for openness to the public, openness in government, and it is not my intent for you folks to be chastised in editorials tomorrow or any other day because I present you a proposal that suggests that we close the doors of the Public Service Commission in certain instances. this issue was raised, I committed to the Public Service Commission and to the media that I would work for a solution to this concern, and I...and I am going to do that. yesterday, we have spent several hours trying to find solutions. There have not...there has not been ample time to do that. So I want the issue to be raised. I am committed to looking for a solution. My initial reaction was I offered to the media, okay, let the media be in on these sessions. That's fine. That's not